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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,252	11/16/2001	Mohamed Khalil	P1020 (13918RRUS01U)	5357
7590 07/07/2006			EXAMINER	
D. Scott Hemingway Law Offices of D. Scott Hemingway Preston Commons West, Suite 800 8117 Preston Rd. Dallas, TX 75225			SOL, ANTHONY M	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>SUPPLEMENTAL</b> <b>Office Action Summary</b>	<b>Application No.</b> 09/992,252	<b>Applicant(s)</b> KHALIL ET AL.	
	<b>Examiner</b> Anthony Sol	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- Applicants' Amendment filed 12/16/2005 is acknowledged.
- Claims 1-20 remain pending.
- Claims 1-9, 16, 17 and 20 have been amended.
- The previous objections to claims 8 and 9 are withdrawn.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 is directed to "an information packet ***transmission***," which is not a method, apparatus, or product of manufacture. A data packet is a mere data structure.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-8,

In claim 1, it is not clear what is meant by:

- On lines 1-3, "A node...comprising a plurality of associated link-layer addresses." An address is not a physical element that can be comprised in a node.
- On lines 4-5, "a physical link-layer connection between one of a plurality of nodes in a home network." That is, the connection is between one of the nodes in the home network **and** what?
- On lines 7-8, "a physical link-layer connection between one of a plurality of mobile nodes to said foreign network." That is, the connection is between one of the nodes **and** what?

In claims 1-8, the use of the term "connectable" in the context of this claim renders the claim indefinite for the following reasons:

- "connectable" implies that the node may not be connected to anything. However, the claim requires connections between the node and other nodes in a home network and a foreign network. Furthermore, the claim requires the use of an information packet, and a packet exists only in an environment of interconnected nodes with data transmission taking place. To summarize, there is a contradiction between the scope sought by the use of the word "connectable" and the scope defined by the body of the claim which requires an actual connection.

Regarding claims 9-16,

In claim 9, it is not clear what is meant by:

- On line 1, "communicating a physical connectivity." First, it is not clear in the claim what is meant by "physical connectivity." Second, exactly what is being communicated and from what to what? The specification also does not provide a clear definition of "physical connectivity."
- On lines 5-6, "an address associated with the network." Is the address referring to the mobile node's address or is it an address of the network, and if it is the former, is it the same address as the "address associated with a home network" of lines 3-4?
- On lines 5-6, "the network of the physical connectivity." Is this the same physical connectivity as the "physical connectivity on a first communication network" of lines 1-2?
- On line 9, "plurality of nodes." Are these plurality of nodes referring to mobile nodes or other nodes in the network?

Regarding claims 17-20,

In claim 17, it is not clear what is meant by:

- On line 3, "a generalized link-layer address extension." An address extension is a field, which is not a physical element. Thus, it cannot be comprised in system or device, which the claim is directed to.

- On line 8, "physical connectivity." It is not clear in the claim what is meant by "physical connectivity" and the specification also does not provide a clear definition of "physical connectivity."
- On line 13, "one specified node." It is not clear what node is specified? Are the Applicants' referring to the mobile node or some other node?

Corrections are required.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1-20,

Claims 1, 9, and 17 on lines 9, 8, and 10, respectively, contain new matter which is not described in the specification. More specifically, the statement "information packet that can comprise a plurality of message types," is not described in the specification. The Applicants' specification on pg. 18, lines 20-25, describes three specific sub-type embodiments for link layer addresses. Are the Applicants referring to

the sub-type embodiments as the "plurality of message types"? If so, then the specification *only* describes how the information packet can comprise *just one* of these message types at *any one time*, not a "plurality of message types."

Corrections are required.

### ***Response to Arguments***

7. Applicants' arguments of pgs.10-12, filed 12/16/2005, with respect to the rejection(s) of claim(s) 1, 9, and 17 under 35 U.S.C 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made for claims 1-20 in view of 35 U.S.C. 101 and 35 U.S.C. 112.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Sol whose telephone number is (571) 272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/2/2006

  
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